

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: **ASDB; students FIRST funding**

State of Arizona  
Senate  
Forty-seventh Legislature  
First Regular Session  
2005

## **SB 1066**

Introduced by  
Senator Garcia; Representatives Bradley, Cajero Bedford, Downing, Lopes,  
Prezelski; Senators Flake, Hale, Hellon, Soltero; Representative Aguirre A

**AN ACT**

**AMENDING SECTION 15-2002, ARIZONA REVISED STATUTES; RELATING TO THE SCHOOL FACILITIES BOARD.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-2002, Arizona Revised Statutes, is amended to  
3 read:

4 15-2002. Powers and duties: executive director: staffing:  
5 report

6 A. The school facilities board shall:

7 1. Make assessments of school facilities and equipment deficiencies  
8 pursuant to section 15-2021 and approve the distribution of grants as  
9 appropriate.

10 2. Develop a database for administering the building renewal formula  
11 prescribed in section 15-2031 and administer the distribution of monies to  
12 school districts for building renewal.

13 3. Inspect school buildings at least once every five years to ensure  
14 compliance with the building adequacy standards prescribed in section 15-2011  
15 and routine preventative maintenance guidelines as prescribed in this section  
16 with respect to construction of new buildings and maintenance of existing  
17 buildings. The school facilities board shall randomly select twenty school  
18 districts every thirty months and inspect them pursuant to this paragraph.

19 4. Review and approve student population projections submitted by  
20 school districts to determine to what extent school districts are entitled to  
21 monies to construct new facilities pursuant to section 15-2041. The board  
22 shall make a final determination within six months of the receipt of an  
23 application by a school district for monies from the new school facilities  
24 fund.

25 5. Certify that plans for new school facilities meet the building  
26 adequacy standards prescribed in section 15-2011.

27 6. Develop prototypical elementary and high school designs. The board  
28 shall review the design differences between the schools with the highest  
29 academic productivity scores and the schools with the lowest academic  
30 productivity scores. The board shall also review the results of a valid and  
31 reliable survey of parent quality rating in the highest performing schools  
32 and the lowest performing schools in this state. The survey of parent  
33 quality rating shall be administered by the department of education. The  
34 board shall consider the design elements of the schools with the highest  
35 academic productivity scores and parent quality ratings in the development of  
36 elementary and high school designs. The board shall develop separate school  
37 designs for elementary, middle and high schools with varying pupil  
38 capacities.

39 7. Develop application forms, reporting forms and procedures to carry  
40 out the requirements of this article.

41 8. Review and approve or reject requests submitted by school districts  
42 to take actions pursuant to section 15-341, subsection F.

43 9. Submit an annual report by December 15 to the speaker of the house  
44 of representatives, the president of the senate, the superintendent of public  
45 instruction, the director of the Arizona state library, archives and public  
46 records and the governor that includes the following information:

(a) A detailed description of the amount of monies distributed by the school facilities board in the previous fiscal year.

(b) A list of each capital project that received monies from the school facilities board during the previous fiscal year, a brief description of each project that was funded and a summary of the board's reasons for the distribution of monies for the project.

(c) A summary of the findings and conclusions of the building maintenance inspections conducted pursuant to this article during the previous fiscal year.

(d) A summary of the findings of common design elements and characteristics of the highest performing schools and the lowest performing schools based on academic productivity including the results of the parent quality rating survey.

For the purposes of this paragraph, "academic productivity" means academic year advancement per calendar year as measured with student-level data using the statewide nationally standardized norm-referenced achievement test.

10. By December 1 of each year, report to the joint committee on capital review the amounts necessary to fulfill the requirements of sections 15-2021, 15-2022, 15-2031 and 15-2041 for the following fiscal year and the estimated amounts necessary to fulfill the requirements of sections 15-2021, 15-2022, 15-2031 and 15-2041 for the fiscal year following the next fiscal year. No later than January 1 of each year, the board shall instruct the state treasurer as to the amounts under the transaction privilege tax to be credited in equal quarterly installments for the following state fiscal year. The board shall provide copies of both reports to the president of the senate, the speaker of the house of representatives and the governor.

11. Adopt minimum school facility adequacy guidelines to provide the minimum quality and quantity of school buildings and the facilities and equipment necessary and appropriate to enable pupils to achieve the educational goals of the Arizona state schools for the deaf and the blind. The school facilities board shall establish minimum school facility adequacy guidelines applicable to the Arizona state schools for the deaf and the blind by December 31, 2000.

12. Beginning August 15, 2004, and each even-numbered year thereafter, report to the joint committee on capital review the amounts necessary to fulfill the requirements of sections 15-2031 and 15-2041 for the Arizona state schools for the deaf and the blind for the following two fiscal years. ~~Notwithstanding paragraph 10 of this subsection or any other law,~~ The school facilities board shall ~~not~~ include these amounts in the building renewal ~~or~~ AND new school facilities transfer instructions to the state treasurer. The Arizona state schools for the deaf and the blind shall incorporate the findings of the report in any request for building renewal monies and new school facilities monies. ~~Any monies provided to the Arizona state schools for the deaf and the blind for building renewal and for new school facilities are subject to legislative appropriation.~~

1        13. By October 15 of each year, ~~the school facilities board shall~~  
 2 submit information regarding demographic assumptions, a proposed construction  
 3 schedule and new school construction cost estimates for the following fiscal  
 4 year to the joint committee on capital review for its review.

5        B. The school facilities board may contract for private services in  
 6 compliance with the procurement practices prescribed in title 41, chapter 23.

7        C. The governor shall appoint an executive director of the school  
 8 facilities board pursuant to section 38-211. The executive director is  
 9 eligible to receive compensation as determined pursuant to section 38-611 and  
 10 may hire and fire necessary staff as approved by the legislature in the  
 11 budget. The executive director shall have demonstrated competency in school  
 12 finance, facilities design or facilities management, either in private  
 13 business or government service. The executive director serves at the  
 14 pleasure of the governor. The staff of the school facilities board is exempt  
 15 from title 41, chapter 4, articles 5 and 6. The executive director:

16        1. Shall analyze applications for monies submitted to the board by  
 17 school districts.

18        2. Shall assist the board in developing forms and procedures for the  
 19 distribution and review of applications and the distribution of monies to  
 20 school districts.

21        3. May review or audit, or both, the expenditure of monies by a school  
 22 district for deficiencies corrections, building renewal and new school  
 23 facilities.

24        4. Shall assist the board in the preparation of the board's annual  
 25 report.

26        5. Shall research and provide reports on issues of general interest to  
 27 the board.

28        6. May aid school districts in the development of reasonable and  
 29 cost-effective school designs in order to avoid statewide duplicated efforts  
 30 and unwarranted expenditures in the area of school design.

31        7. May assist school districts in facilitating the development of  
 32 multijurisdictional facilities.

33        8. Shall assist the board in any other appropriate matter or method as  
 34 directed by the members of the board.

35        9. Shall establish procedures to ensure compliance with the notice and  
 36 hearing requirements prescribed in section 15-905. The notice and hearing  
 37 procedures adopted by the board shall include the requirement, with respect  
 38 to the board's consideration of any application filed after July 1, 2001 or  
 39 after December 31 of the year in which the property becomes territory in the  
 40 vicinity of a military airport or ancillary military facility as defined in  
 41 section 28-8461 for monies to fund the construction of new school facilities  
 42 proposed to be located in territory in the vicinity of a military airport or  
 43 ancillary military facility, that the military airport receive notification  
 44 of the application by first class mail at least thirty days before any  
 45 hearing concerning the application.

1       10. May expedite any request for funds in which the local match was not  
2 obtained for a project that received preliminary approval by the state board  
3 for school capital facilities.

4       11. Shall expedite any request for funds in which the school district  
5 governing board submits an application that shows an immediate need for a new  
6 school facility.

7       12. Shall make a determination as to administrative completion within  
8 one month after the receipt of an application by a school district for monies  
9 from the new school facilities fund.

10       13. Shall provide technical support to school districts as requested by  
11 school districts in connection with the construction of new school facilities  
12 and the maintenance of existing school facilities.

13       D. When appropriate, the school facilities board shall review and use  
14 the statewide school facilities inventory and needs assessment conducted by  
15 the joint committee on capital review and issued in July, 1995.

16       E. The school facilities board shall contract with one or more private  
17 building inspectors to complete an initial assessment of school facilities  
18 and equipment provided in section 15-2021 and shall inspect each school  
19 building in this state at least once every five years to ensure compliance  
20 with section 15-2011. A copy of the inspection report, together with any  
21 recommendations for building maintenance, shall be provided to the school  
22 facilities board and the governing board of the school district.

23       F. The school facilities board may consider appropriate combinations  
24 of facilities or uses in making assessments of and curing deficiencies  
25 pursuant to subsection A, paragraph 1 of this section and in certifying plans  
26 for new school facilities pursuant to subsection A, paragraph 5 of this  
27 section.

28       G. The board shall not award any monies to fund new facilities that  
29 are financed by class A bonds that are issued by the school district.

30       H. The board shall not distribute monies to a school district for  
31 replacement or repair of facilities if the costs associated with the  
32 replacement or repair are covered by insurance or a performance or payment  
33 bond.

34       I. The board may contract for construction services and materials that  
35 are necessary to correct existing deficiencies in school district facilities  
36 as determined pursuant to section 15-2021. The board may procure the  
37 construction services necessary pursuant to this subsection by any method  
38 including construction-manager-at-risk, design-build, design-bid-build or  
39 job-order-contracting as provided by title 41, chapter 23. The construction  
40 planning and services performed pursuant to this subsection are exempt from  
41 section 41-791.01.

42       J. The school facilities board may enter into agreements with school  
43 districts to allow school facilities board staff and contractors access to  
44 school property for the purposes of performing the construction services  
45 necessary pursuant to subsection I of this section.

1           K. By October 1, 2002, each school district shall develop routine  
2 preventative maintenance guidelines for its facilities. The guidelines shall  
3 be submitted to the school facilities board for review and approval by  
4 February 1, 2003. If upon inspection by the school facilities board it is  
5 determined that a school district facility was inadequately maintained  
6 pursuant to the school district's routine preventative maintenance  
7 guidelines, the school district shall use building renewal monies pursuant to  
8 section 15-2031, subsection J to return the building to compliance with the  
9 school district's routine preventative maintenance guidelines. Once the  
10 district is in compliance, it no longer is required to use building renewal  
11 monies for preventative maintenance.

12           L. The school facilities board may temporarily transfer monies between  
13 the capital reserve fund established by section 15-2003, the deficiencies  
14 correction fund established by section 15-2021, the emergency deficiencies  
15 correction fund established by section 15-2022, the building renewal fund  
16 established by section 15-2031 and the new school facilities fund established  
17 by section 15-2041 if all of the following conditions are met:

18           1. The transfer is necessary to avoid a temporary shortfall in the  
19 fund into which the monies are transferred.

20           2. The transferred monies are restored to the fund where the monies  
21 originated as soon as practicable after the temporary shortfall in the other  
22 fund has been addressed.

23           3. The school facilities board reports to the joint committee on  
24 capital review the amount of and the reason for any monies transferred.